

IN SENATE OF THE UNITED STATES.

JULY 28, 1848.

Submitted, and ordered to be printed.

Mr. Foote made the following

REPORT:

[To accompany bill S. No. 333.]

*The Committee on Private Land Claims, to whom were referred the memorial of Morgan McAfee, and the accompanying documents, report:*

The facts presented by the memorial, and accompanying documents referred, are, substantially, as follows: On the 20th day of April, 1832, Congress passed an act for the benefit of Jefferson College, in the State of Mississippi, by the provisions of which, a right to locate a large body of vacant and unappropriated lands in said State was secured to said trustees. Under this act, Joseph McAfee (by his agent, Morgan McAfee) became the purchaser of a portion of said lands, to wit: two sections of the same, and proceeded, on the 16th day of August, 1834, as assignee of said trustees, to present his deed of transfer to the register of the land office at Mont Salus, in said State, for said two sections, and obtained the register's certificate for the same; which certificate is declared, by said act of Congress, to be equivalent to a patent. This claim for two sections was so located as to embrace within its limits an eighth, and a quarter section of land claimed, and occupied at the time, by a certain Garrett Keirne, upon the following grounds: The *eighth*, aforesaid, was claimed by said Keirne, as assignee of a certain Indian occupant, by the name of Collins, who held the same under the authority of the treaty of Dancing Rabbit creek; and the quarter section, aforesaid, he, the said Keirne, claimed as a pre-emptioner, under the various acts of Congress securing pre-emption rights to actual settlers, &c., &c.

The parties aforesaid, that is to say, Joseph McAfee and Garrett Keirne, were compelled to resort to litigation for the settlement of their conflicting claims aforesaid; and, after a long and expensive lawsuit, the high court of error and appeals of said State of Mississippi decided the legal question involved therein in favor of Keirne, and against McAfee; whose legal representatives now

claim recompense for pecuniary losses incurred in the premises. The committee, aforesaid, after a full investigation of all the facts presented to them, have unanimously agreed to report the accompanying bill, and recommend its passage.

## REPORT